

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Michael Sammons,
Plaintiff,
vs.
Yin Wang,
Defendants.

Case No.: 2:15-cv-281-JAD-GWF

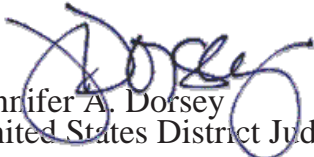
Order Re: Doc. 9

Plaintiff Michael Sammons moves for entry of a clerk's default against defendant Weikang Bio-Technology Group Co., Inc. Doc. 9. Under Federal Rule of Civil Procedure 55(a), "[w]hen a party against whom judgment or affirmative relief is sought has failed to plead or otherwise defend, and that failure is shown by affidavit or otherwise, the clerk must enter the party's default." Sammons supports his motion for default through an unsworn declaration under 28 U.S.C. § 1746, declaring he served Weikang on February 24, 2015, by hand delivery, and then on February 27, 2015, served his first amended complaint on Weikang by mail - both times serving Robert C. Harris, who Sammons claims is Weikang's registered agent for service of process. Doc. 9 at 2. However, the record conflicts with Sammons's declaration: the only record of service on Weikang is a postal tracking from, addressed to Harris, which was apparently accepted on February 24, 2015. Doc. 8. This document raises more questions than it answers because it gives no indication of what documents were served, the method of service, or who served them. Even to the degree I assume it was a postal mailing, the February 24, 2015, date of delivery differs from the February 27, 2015, date Sammons declares he mailed the amended complaint to Harris. Because Sammons has not sufficiently demonstrated that he properly served Weikang, I deny Sammons's motion for entry of clerk's default without prejudice.

Accordingly, it is HEREBY ORDERED that Sammons's motion for an entry of clerk's default (**Doc. 9**) is **denied without prejudice** because Sammons has not demonstrated that proper service has been effected on this defendant. Any renewed motion for clerk's entry of default should

1 explain in detail the service requirements for this defendant, the methods employed to effect proper
2 service, and how those methods satisfy the rules of service on this defendant.

3 DATED: April 7, 2015.

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6 Jennifer A. Dorsey
7 United States District Judge
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